

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ONEBEACON AMERICA INSURANCE  
COMPANY,  
Plaintiff,

vs.

BLUE WATER ENTERPRISES, INC.  
Defendant.

CIVIL ACTION  
NO: 04-11753-JLT

STATUS REPORT ON APPOINTMENT OF UMPIRE

Now come the parties, in the above-captioned matter, by and through their undersigned attorneys, Clinton & Muzyka, P.C. and Duffy & Mason, P.C., and pursuant to this Honorable Court's Order dated October 28, 2004, report the status of the appointment of an Umpire.

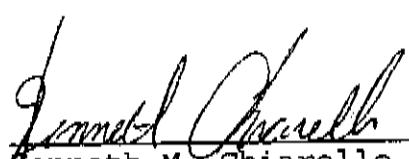
The parties' respective surveyors have been unable to agree upon the nature and extent of the damages sustained to the F/V PRIM LADY. However, the parties' surveyors have agreed to appoint James Simonitsch as the Umpire. Mr. Simonitsch is a Certified Marine Surveyor and is also a member of the National Association of Marine Surveyors (NAMS). After the surveyors submit their written reports to Mr. Simonitsch for his review, he will arrange for an inspection of the vessel through plaintiff's counsel. Following his inspection, Mr. Simonitsch will issue a written report by or before December 10, 2004 addressing

(1) the nature and extent of the damages sustained to the F/V PRIM LADY, and (2) any recommendations for additional repairs. Mr. Simonitsch's written findings will be filed with this Honorable Court.

The parties will advise this Honorable Court of any issues that need to be resolved concerning the future handling of this matter.

Respectfully submitted,

FOR THE PLAINTIFF

  
Kenneth M. Chiarello  
BBO NO: 639274  
CLINTON & MUZYKA, P.C.  
One Washington Mall  
Suite 1400  
Boston, MA 02108  
(617) 723-9165

FOR THE DEFENDANT

  
Timothy Duffy  
BBO NO:  
MASON & DUFFY, P.C.  
72 Sharp Street  
Hingham, MA 02043  
(781) 337-0066

Dated: November 10, 2004

cc: James T. Simonitsch  
Independent Marine Surveyor  
P.O. Box 192  
Round Pond, ME 04564